

From: [David Keith](#)
To: [Stephen Tzhone/R6/USEPA/US@EPA](#)
Subject: RE: current status on POHA question, revised memo forthcoming
Date: 08/17/2011 11:06 AM

Thanks Steve – Nicole had forwarded this to me earlier also.

Regards,
David

From: Tzhone.Stephen@epamail.epa.gov [mailto:Tzhone.Stephen@epamail.epa.gov]
Sent: Wednesday, August 17, 2011 11:03 AM
To: David Keith
Subject: Fw: current status on POHA question, revised memo forthcoming

From: Stephen Tzhone/R6/USEPA/US
To: Luda Voskov <Luda.Voskov@tceq.texas.gov>, Stephen Ellis <Stephen.Ellis@tceq.texas.gov>, Tracie Phillips <Tracie.Phillips@tceq.texas.gov>, Vickie Reat <Vickie.Reat@tceq.texas.gov>, Linda Broach <Linda.Broach@tceq.texas.gov>, Sue Reilly <Sue.Reilly@tceq.texas.gov>
Date: 08/17/2011 10:36 AM
Subject: current status on POHA question, revised memo forthcoming

From: Philip Turner/R6/USEPA/US
To: NCass@poha.com
Cc: Stephen Tzhone/R6/USEPA/US@EPA, Gary Miller/R6/USEPA/US@EPA
Date: 08/16/2011 09:37 PM
Subject: RE: Looking into it. Give us ~2 weeks to respond, thanks.

Hi Nicole,

As per our conversation today, this e-mail serves as a brief summary of our discussion. To address your recent sample question, and taking into account the site-specific organic carbon content, all possible calculated scenarios would result in Condition 2. The conditions in our memo to the USACE were based on an organic carbon content of 1.35%, which is the average across the Houston Ship Channel (TCEQ TMDL data). Unfortunately, we did not anticipate a scenario in which site-specific organic carbon content would result in conflicting conditions. As such, and with the concurrence of TCEQ and EPA Water, we are in process of revising the memo. The revision will include directions for how to incorporate site-specific organic carbon content. EPA feels, this is a more scientifically sound approach, and in most cases, probably would not change what would have been found using the unrevised memo. In addition, the revised memo will clarify our intention by use of the term confined disposal facility (CDF). When the memo was prepared, we made the assumption that any disposal would be performed following legal and proper procedures, and that that decision was beyond the scope of our work on the San Jacinto Waste Pits site. The memo does not (and will not) direct where or what disposal facilities should be used. As such, it was not our intention to specify a particular type of CDF (upland, or water-based confined disposal facility). It is up to the discretion of those involved in the actual dredging and their regulators as

to how, and where - as long as proper legal disposal procedures are followed. Finally, EPA appreciates Port Of Houston Authority incorporating these conditions as part of their decision making process. We feel that the conditions are conservative and protective. Having said that, we would like to remind POHA that use of these conditions outside the boundary for which they were written is solely up to the discretion of POHA.

I hope I've captured everything. Please let me know if I left something out.

Have a great week!!

Phil